

Claims 8-14, 18, 21-27, 31, and 34 are rejected as anticipated by Ma *et al.*, *J. Biol. Chem.*, 272:28133-141, 1997. The rejection asserts that Ma teaches a circa 127 amino acid residue polypeptide comprising the R-domain and that such a polypeptide would fulfill the claim recitation of “between about 18 and 100 amino acid residues.” This rejection is respectfully traversed.

The R-domain peptide taught by Ma is not 127 amino acid residues in length but rather 269 amino acid residues. See specification at page 2, lines 18-21 describing the Ma peptide as consisting of amino acids 588-855. See also, Ma at page 28133, col. 2, lines 18-21 which describes an R-domain protein synthesized *in vitro* as amino acids 590-858 (*i.e.*, 269 amino acid residues). At page 28134, col. 2, lines 3-9, Ma describes a cloned R-domain protein described in a prior paper (Ma *et al.*, *J. Biol. Chem.*, 271:7351-7356 (1995)). The R-domain protein was made from cloned “exon 13 and 85 base pairs of exon 14 of wild type CFTR.” Ma (1997) teaches that exon 13 encodes amino acid residues 590-830. Page 28133, col. 1, line 36. The exon 13 amino acid residues (241) residues plus the exon 14 amino acid residues (28) residues yields a total length of 269 residues.

The Patent and Trademark Offices’ assertion of a 127 amino acid R-domain peptide is not supported by a careful reading of Ma (1997). Ma teaches a deletion form of CFTR which contains full length CFTR (*i.e.*, 1480 amino acid residues) minus amino acids 708-835 (*i.e.*, 128 residues deleted). This deleted protein is R-domainless and contains 1352 residues.

The R-domain peptides taught by Ma (1997) contain about 269 amino acid residues. By no stretch of language would such a peptide fulfill the recitations “between about 18 and 100 amino acid residues” or “between about 22 and 100 amino acid

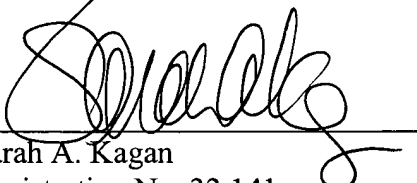
residues.” Thus, Ma (1997) does not anticipate the claimed methods which employ polypeptides of between about 18 (or 22) and 100 amino acid residues.

Withdrawal of this rejection is respectfully requested.

Respectfully submitted,

Dated: April 16, 2004

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